

## **EXHIBIT B**

### **Trustee's Objections to Bruck Questions**

QUESTIONS TO BE PUT TO THE WITNESS

1. When were you first contacted by the Trustee's representatives?

**Objection: Lacks Foundation<sup>1</sup>**

2. Specifically by whom were you contacted?
3. How often were you contacted by that person?

**Objection: Lacks Foundation**

4. Was it always the same person or multiple persons?

**Objection: Compound<sup>2</sup>**

5. If multiple persons: please identify the persons
6. How were you contacted?
7. By phone?
8. By email?
9. How many times did you personally meet prior to signing the declaration?

**Objection: Lacks Foundation, Vague<sup>3</sup>**

10. Where did you meet on each occasion a meeting took place?
11. How long did each of the meetings last?
12. What was the context of the meeting (lunch, dinner, coffee, drinks)?
13. Who was present at each of these meetings?
14. Were lawyers present at the meetings?
15. If yes, at how many meetings?
16. If yes, were they US lawyers?

---

<sup>1</sup> See Fed. R. Evid. 602; Trustee's Combined Mem. of Law in Opp'n to Alpha Prime's Mots. For the Issuance of Reqs. For Int'l Judicial Assistance ("Trustee's Mem. of Law") at 12-13.

<sup>2</sup> See Fed. R. Evid. 403.

<sup>3</sup> As used herein, the Trustee's objection "Vague" includes the objection to language that is vague, ambiguous, or otherwise results in "confusing the issues." See Fed. R. Evid. 403; Trustee's Mem. of Law at 16-17.

17. If yes, did they tell you their names?
18. Was Oren Warshavsky present?
19. Was Dominic Gentile present?
20. Did Oren Warhavsky and/or Dominic Gentile disclose to you that they were lawyers?

**Objection: Compound**

21. Was anybody else present?
22. Were any Austrian lawyers present?
23. Was the presence of lawyers pre-announced prior to the meeting(s) where you met them?

**Objection: Lacks Foundation, Vague**

24. If not, were you surprised of their presence?
25. How did they introduce themselves?
26. How did they justify their presence?

**Objection: Lacks Foundation, Vague**

27. Was there an investigator present at the meeting?
28. What was his or her name?
29. What company did she work for?
30. Did Ms Collins tell you from whom she took instructions?

**Objection: Hearsay, Lacks Foundation, Leading<sup>4</sup>**

31. Did she disclose to you that she was from the Mintz Group?

**Objection: Lacks Foundation, Leading**

32. Did you know that the Mintz Group was retained by the law firm of Baker Hostetler?

**Objection: Mischaracterizes a Prior Statement**

---

<sup>4</sup> As used herein, the Trustee's objection "Leading" includes objections to questions that suggest the answer, including by referencing out of court statements by third parties in the preceding questions. *See* Fed. R. Evid. 611(c); Trustee's Mem. of Law at 18-19.

- 33. Please turn back to the Trustee's Exhibit 1 which is your Declaration. Were you told what the purpose of the declaration is?
- 34. Were you told what the declaration would be used for?
- 35. Were you told that your declaration would be used in proceedings against Alpha Prime to defeat a \$250,671,000 claim?

**Objection: Mischaracterizes a Document<sup>5</sup> (the Trustee's claim)**

- 36. Would you have signed the declaration had you known that it would be used in proceedings against Alpha Prime?
- 37. Were you told that the declaration would help investors to get their money back?

**Objection: Leading**

- 38. Would you have signed the declaration had you known that its purpose is to defeat Alpha Prime's claim for the return of \$250,671,000?

**Objection: Mischaracterizes a Document (the Trustee's claim)**

- 39. Were you told that you would be called to testify about your declaration?
- 40. Would you have signed the declaration had you been told that you would be called to testify about your declaration?
- 41. Did you write the text of your declaration yourself or was it written by somebody else?

**Objection: Compound**

- 42. If someone else, who wrote your declaration?
- 43. Is everything that was discussed at each of the meetings in the text?

**Objection: Vague, Relevance<sup>6</sup>**

- 44. Who chose the content of the declaration

**Objection: Cumulative,<sup>7</sup> Vague**

- 45. Was all of the information you discussed included in your declaration?

**Objection: Cumulative, Relevance, Vague**

---

<sup>5</sup> See Fed. R. Evid. 611(a); Trustee's Mem. of Law at 17-18.

<sup>6</sup> See Fed. R. Evid. 401.

<sup>7</sup> See Fed. R. Evid. 403; Trustee's Mem. of Law at 15-16.

46. Who chose the contents of the text?

**Objection: Cumulative, Vague**

47. Who chose the wording of the text?

**Objection: Cumulative, Vague**

48. When was the text written?

**Objection: Vague**

49. How long did it take to finalize the text?

**Objection: Vague**

50. Was there a back and forth on the text? Was there an exchange of drafts?

**Objection: Compound, Vague**

51. Did you feel pressured to sign the declaration?

**Objection: Leading, Vague**

52. If so, what made you feel pressured?

53. Who decided what would be in the declaration?

**Objection: Cumulative**

54. Was a translator present at either of the meetings you referred to?

55. Was a translator present when you signed the declaration?

56. Were you told what the declaration should contain?

**Objection: Cumulative, Vague**

57. Was the declaration edited?

**Objection: Cumulative, Vague**

58. If yes, by whom?

59. Did the declaration have a cover page when you signed it?

60. Who gave you the text of the declaration?

**Objection: Cumulative, Lacks Foundation, Vague**

61. Were you promised something in exchange for signing the statement?

**Objection: Vague**

62. At which location did the signing take place?

63. Were you represented by a lawyer when you signed?

64. Were you advised to get a lawyer?

65. Who was present when you signed the text?

66. Were either Oren Warshavsky or Dominic Gentile present when you signed the declaration?

**Objection: Compound, Cumulative**

67. If yes, did they tell you whom they represented?

68. Did you receive a copy of your declaration?

69. Were you promised one?

70. Did you request one?

71. Did you ever receive one?

**Objection: Cumulative**

72. When was the last time you saw a copy of this declaration?

73. Did you fully understand what you signed?

**Objection: Leading, Vague**

74. Did somebody take notes during your meetings?

**Objection: Lacks Foundation, Relevance**

75. If yes, who took notes?

**Objection: Lacks Foundation, Relevance**

76. Did Ms. Collins take notes?

**Objection: Lacks Foundation, Relevance, Vague**

77. Did Oren Warshavsky and/or Dominic Gentile take notes

**Objection: Compound, Lacks Foundation, Relevance, Vague**

78. Were you shown these notes?

**Objection: Lacks Foundation, Relevance, Vague**

79. Did you ask for these notes?

**Objection: Lacks Foundation, Relevance, Vague**

80. Were you contacted by somebody after signing the declaration?

**Objection: Relevance, Vague**

81. If yes: by whom and how often?

**Objection: Vague**

82. If yes: what were you told?

**Objection: Vague**

83. Do you have any personal knowledge about Alpha Prime? (paras 3-4)

**Objection: Vague**

84. Were you head of securities or deputy head at Bank Austria? (para 5)

**Objection: Compound**

85. Please refer to Exhibit B. This is a historic register from the Austrian register of companies of what is today called “2020 Medici GmbH in Liquidation”.

**Objection: Lacks Foundation, No Translation Available**

86. Please refer to Nr 46 on page 1 and page 8: Isn’t it correct that Bank Medici AG was only formed on December 18, 2003?

**Objection: Leading, Mischaracterizes the Document, Vague**

87. So when you state in paragraph 5 that “In 2000, I left Bank Austria to work for Kohn at Bank Medici”, this statement cannot be correct?

**Objection: Argumentative,<sup>8</sup> Mischaracterizes the Document, Leading, Vague**

88. Who is Werner Kretschmer?

89. How did you know him?

---

<sup>8</sup> See Fed. R. Evid. 611(a).

90. What position did he hold at Bank Austria.

**Objection: Lacks Foundation**

91. The text of the declaration states in paragraphs 8 and 9 that sometime in 1999 Kretschmer concluded that Madoff's strategy was illegal. In paragraph 5 you state that you started to work with Bank Medici in 2000. In paragraph 6 you state that "Bank Medici's only source of revenue was the commission it made from managing and promoting investments in BLMIS".

92. On what basis did Kretschmer conclude that Madoff's strategy was illegal?

**Objection: Calls for Speculation/Lacks Personal Knowledge,<sup>9</sup> Lacks foundation**

93. Is this something that Kretschmer would be an expert in?

**Objection: Calls for Speculation/Lacks Personal Knowledge, Lacks Foundation**

94. Did you agree with Kretschmer's assessment?

**Objection: Calls for Speculation/Lacks Personal Knowledge, Calls for Lay Opinion,<sup>10</sup> Lacks Foundation, Vague**

95. Why or why not?

**Objection: Calls for Speculation/Lacks Personal Knowledge, Calls for Lay Opinion, Lacks Foundation, Vague**

96. How long did you work for Bank Medici?

97. Was it until 2004?

**Objection: Leading**

98. What did you think of Kretschmer's concerns referred to in paragraphs 8 and 9?

99. Would you have worked for 4 years at Bank Medici whose only source of revenue was BLMIS if you thought that BLMIS was doing something illegal?

**Objection: Argumentative, Leading**

100. Please refer to Exhibit A attached to Alpha Prime's Letter of Request. Do you recognize Exhibit A?

---

<sup>9</sup> See Fed. R. Evid. 602; Trustee's Mem. of Law at 13-14.

<sup>10</sup> See Fed. R. Evid. 701; Trustee's Mem. of Law at 14-15.



- 101. Is Exhibit A your declaration dated January 11, 2016?
- 102. Is that your signature near the bottom of the third page?
- 103. Is everything contained in paragraphs 1 through 17 of Exhibit A true and correct to the best of your knowledge?
- 104. Please refer to paragraphs 8, 9, 10 and 11 of Exhibit A submitted by the Trustee on the one hand and compare what you state there with what you stated in paragraphs 12-14?
- 105. Do you see a discrepancy between these declarations?

**Objection: Vague**

- 106. If no, why not?
- 107. If yes, please explain.
- 108. Please refer to Exhibit C. This is a witness testimony of Dr. Kretschmer at the Vienna Commercial Court on April 19, 2017. Please look to page 3 where he states: "I have in any case, until it became public, not known that Madoff was running a Ponzi scheme. Had I known I would of course have acted immediately, I thereby mean that I would have acted before it became public. According to my recollections I also did not have any suspicions regarding Madoff's actions until the end of 2008. Now, after the fact, I can however say that there apparently were already suspicion moments in the 2000-years, but I did not know about that at the time.

**Objection: Exhibit is Incomplete and Improperly Used to Lead the Witness and to Have Witness Improperly Adopt and/or Rely on Hearsay,<sup>11</sup> No Translation Available**

- 109. How do you reconcile this statement with what you state in paragraphs 8 and 9 of the Trustee's Exhibit A?

**Objection: Calls for Speculation/Lacks Personal Knowledge, Calls for Lay Opinion, Hearsay, Leading Subject to Question 108, Lacks Foundation**

- 110. Please refer to Exhibit D. This is an excerpt from a witness testimony of Dr. Kretschmer at the Vienna Commercial Court on May 12, 2011. Please look to page 4 where he states beginning at paragraph 7: "When asked whether I knew whether Madoff could engage in front running activities or market abusive activities: Madoff acted in the most strict

---

<sup>11</sup> The Trustee's objection on this basis is more fully detailed in the Trustee's Mem. of Law at 10-12.

securities laws environment worldwide. It is hard for me to imagine that this would be possible with an ICC [sic]. In my view he did not engage in front running, but he committed fraud. This from a 2011 view.”

**Objection: Exhibit is Incomplete and Improperly Used to Lead the Witness and to Have Witness Improperly Adopt and/or Rely on Hearsay**

111. How do you reconcile this statement with what you state in paragraphs 8 and 9 of the Trustee’s Exhibit A?

**Objection: Calls for Speculation/Lacks Personal Knowledge, Calls for a Lay Opinion, Hearsay, Leading Subject to Question 110, Lacks Foundation**

112. Please refer to Exhibit E. This is an excerpt from a witness testimony of Dr. Kretschmer at the Vienna Commercial Court on December 2, 2014. On page 2 he states in the middle of the first paragraph: “I do not recall to ever have had a suspicion that Madoff was front running. This because Madoff is governed by the SEC, this is a quite strict authority.”

**Objection: Exhibit is Incomplete and Improperly Used to Lead the Witness and to Have Witness Improperly Adopt and/or Rely on Hearsay, No Translation Available**

113. How do you reconcile this statement with what you state in paragraphs 8 and 9 of the Trustee’s Exhibit A?

**Objection: Calls for Speculation/Lacks Personal Knowledge, Calls for Lay Opinion, Hearsay, Leading Subject to Question 112, Lacks Foundation**

114. Did you ever suspect Madoff of front running?
115. Did anybody else ever tell you that Madoff was front running?
116. Did you ever believe that Madoff was running a Ponzi scheme?
117. Did anybody else ever tell you that he believed that Madoff was running a Ponzi scheme?
118. Paragraph 17 of Exhibit A states: “I never overheard that anything might be wrong with Madoff”
119. Did you tell either Ms. Collins or Mr. Warshavsky or Mr. Gentile this at your meetings?

**Objection: Compound**

120. Do you know why that statement was not incorporated in your 2014 declaration?

**Objection: Calls for Speculation/Lacks Personal Knowledge, Lacks Foundation**

121. Please refer to paragraph 19 which reads as follows: “In one of the meetings with the investigator/lawyers I was also asked whether I ever thought that Sonja Kohn knew that Madoff was running a Ponzi scheme. I answered that this had never occurred to me. In fact, I recommended the purchase of shares in Herald and Alpha Prime to investors

(Ulrich and Hock) until the end of 2008 because I believed in Madoff’s strategy and that it was perfectly legal. I would never have sold these products to investors had I had any doubts.”

122. Is this still an accurate statement?
123. Do you know why your answer to the investigator/lawyers that it had never occurred to you that Sonja Kohn knew that Madoff was running a Ponzi scheme was not incorporated into your declaration?
124. Did you tell either Ms. Collins or Mr. Warshavsky or Mr. Gentile at one of your meetings that you “believed in Madoff’s strategy and that it was perfectly legal”?

**Objection: Compound**

125. Do you know why that statement was not incorporated in your 2014 declaration?
126. Who are Mr. Ulrich and Mr. Hock?

**Objection: Compound**

127. Do you know what the size of their investment in Herald and Alpha Prime was?

**Objection: Compound, Lacks Foundation, Vague**

128. Do you consider this a substantial size?

**Objection: Calls for Speculation/Lacks Personal Knowledge, Vague, Lacks Foundation**